

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	No. 15-CR-47-LRR
)	
vs.)	
)	
SHILOH GRAY CYRUS PALMER,)	
and ANDREW DUANE DELMAR)	
PALMER,)	
)	
Defendants.)	

FINAL ORDER OF FORFEITURE

WHEREAS, an Indictment was filed on May 14, 2015, charging defendants with violations of 18 U.S.C. § 2113(a) and 18 U.S.C. § 2 (Bank Robbery and Aiding and Abetting); 18 U.S.C. § 2113(d) and 18 U.S.C. § 2 (Armed Bank Robbery and Aiding and Abetting); 18 U.S.C. § 924(c) and 18 U.S.C. § 2 (Using a Firearm in Violent Crime and Aiding and Abetting); and 18 U.S.C. § 844(h) and 18 U.S.C. § 2 (Use of Fire to Commit a Felony Crime), and in which a forfeiture allegation was included seeking the forfeiture of two J.C. Higgins 12-gauge shotguns;

AND WHEREAS, on July 2, 2015, the Honorable Jon Stuart Scoles, Chief Magistrate Judge for the Northern District of Iowa, entered a Report and Recommendation concerning the plea of guilty to Counts 2 and 3 for defendant Shiloh Gray Cyrus Palmer (Document #96);

AND WHEREAS, on July 6, 2015, the Honorable Jon Stuart Scoles, Chief Magistrate Judge for the Northern District of Iowa, entered a Report an

Recommendation concerning the plea of guilty to Counts 2 and 3 for defendant Andrew Duane Delmar Palmer (Document #101);

AND WHEREAS, pursuant to the provision of Rule 32.2(b)(1)(A) of the Federal Rules of Criminal Procedure, Judge Scoles found that the government had established the requisite nexus between the property subject to forfeiture, the firearms, and the offense as charged in Count 3 of the May 14, 2015, Indictment, use of a firearm in violent crime, in violation of 18 U.S.C. § 924(c) for defendants Shiloh Gray Cyrus Palmer and Andrew Duane Delmar Palmer;

AND WHEREAS, on July 7, 2015, the Court accepted Judge Scoles' Report and Recommendation of July 6, 2015, for defendant Andrew Duane Delmar Palmer (Document #104);

AND WHEREAS, on July 17, 2015, the Court accepted Judge Scoles' Report and Recommendation of July 2, 2015, for defendant Shiloh Gray Cyrus Palmer (Document #105);

AND WHEREAS, pursuant to the July 7, 2015, and July 17, 2015, acceptance of the pleas of guilty for defendants Shiloh Gray Cyrus Palmer and Andrew Duane Delmar Palmer, the United States moved for a Preliminary Order of Forfeiture pursuant to Rule 32.2(b)(2)(A), seeking an order following the Court's acceptance of Judge Scoles' Report and Recommendations, including his finding of the requisite nexus between the firearms and the offense (Document #108);

AND WHEREAS, on July 28, 2015, this Court entered a Preliminary Order of Forfeiture pursuant to the provisions of 18 U.S.C. § 924(d), and 28 U.S.C. § 2461(c),

based upon defendant Shiloh Gray Cyrus Palmer's guilty plea entered on July 2, 2015, and defendant Andrew Duane Delmar Palmer's guilty plea entered on July 6, 2015, in which the Court ordered the forfeiture of any interest defendants had or have in the firearms alleged to be subject to forfeiture under the Forfeiture Allegation of the May 14, 2015, Indictment (Document #109);

AND WHEREAS, notice of this forfeiture was posted on www.forfeiture.gov for 30 consecutive days beginning July 30, 2015, and continuing through August 28, 2015, of the United States' intent to dispose of the property in accordance with the law and further notifying all third parties of their right to petition the Court within thirty (30) days for a hearing to adjudicate the validity of their alleged legal interest in the property (Document #124);

AND WHEREAS, on July 30, 2015, Attorney John Bishop was served by certified mail, return receipt, with Notice of this forfeiture action on behalf of his client Elizabeth Olinger (Document # 163);

AND WHEREAS, on July 31, 2015, Attorney David Mullin was served by certified mail, return receipt, with Notice of this forfeiture action on behalf of his client Peter Jay Olinger (Document # 164);

AND WHEREAS, no third-party claims have been made for return of seized property against the firearms included in the Preliminary Order of Forfeiture entered on July 28, 2015.

It is HEREBY ORDERED, ADJUDGED and DECREED:

1. That any right, title, and interest defendants have or had in the hereinafter described property is hereby condemned, forfeited and vested in the United States of America, and shall be disposed of according to law.

2. That the following property seized from defendants Shiloh Gray Cyrus Palmer and Andrew Duane Delmar Palmer, who are the subjects of this Order, is hereby condemned and forfeited to the United States of America, as follows:

a. a J.C. Higgins Model 583.1 Sears & Roebuck, 12-gauge shotgun, seized from defendants on or about April 6, 2015, in Lisbon, Iowa; and

b. a J.C. Higgins Model 583.2001 Sears & Roebuck, 12 gauge shotgun, seized from defendants on or about April 6, 2015, in Lisbon, Iowa.

3. That any interest co-defendants Elizabeth Olinger and Peter Jay Olinger may have or had in the firearms referenced above is hereby extinguished due to their failure to file a claim or petition;

4. That the United States Marshals Service and/or Federal Bureau of Investigation, is hereby authorized to dispose of the firearms identified in paragraph 2 above, including any ammunition, if seized.

5. That the United States District Court shall retain jurisdiction in this case for the purpose of enforcing this Order.

DATED this 21st day of October, 2015.


LINDA R. READE
CHIEF JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA